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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,588	08/05/2003	Gregory J. Arserio	Arserio 8/03	6539
29988	7590	08/06/2004	EXAMINER	
THOMAS B. RYAN HARTER, SECREST & EMERY LLP 1600 BAUSCH & LOMB PLACE ROCHESTER, NY 14604-2711				THOMAS, DAVID B
		ART UNIT		PAPER NUMBER
		3723		

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/634,588	ARSERIO ET AL. 
	<b>Examiner</b>	<b>Art Unit</b>
	David B. Thomas	3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-14 is/are allowed.
- 6) Claim(s) 15-19 and 21 is/are rejected.
- 7) Claim(s) 20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first part-holding fixture, as claimed in claim 15, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 20 is objected to because of the following informalities: Claim 20 recites, "applying a vacuum pressure reduction against the bottom planar surface for holding the optical flat." However, the examiner respectfully contends that if a vacuum pressure

reduction is applied, that the optical flat would be released rather than held by the fixture. It appears that the appropriate language should be, "applying a pressure reduction," or, "applying a vacuum." Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koshi et al. (6,634,933), in view of Ushiyama et al. (5,119,595).

Koshi et al. ('933) disclose a method, jig, and apparatus for machining rod lenses. In the method, lens assembly sheets, each holding at least a row of rod lenses, are prepared (The lens assembly sheet block 15 is then cut into lens assembly sheets 18, each having a desired thickness L, as shown in FIG. 1B. The cut surfaces of each lens assembly sheet 18 are then polished to form parallel polished surfaces 16, 17.; Col. 3, lines 46-51). The lens assembly sheets are then arranged on holding surfaces defined on a jig. The holding surfaces are inclined relative to a reference surface of the jig by a predetermined angle. Each of the lens assembly sheets is clamped so that optical axes of the rod lenses are inclined relative to a direction perpendicular to the reference surface by that predetermined angle. The lens assembly sheets are then ground and polished. The lens holding jigs are mounted on a table having a rotatable spindle and a rotating grinding wheel is brought into engagement with the lens assemblies, and the spindles of each are parallel to each other.

Thus, Koshi et al. ('933) disclose the method except that the preparatory steps utilize polishing rather than grinding. However, grinding and polishing are equivalent steps known in the art, as evidenced by Ushiyama et al. ('595) in Col. 1, lines 9-11, and typically performed with a tool such as a grinder. Therefore, because these two steps were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the step of polishing in Koshi et al. ('933) with the step of grinding via a grinding wheel per Ushiyama et al. ('595).

***Allowable Subject Matter***

5. Claims 1-14 are allowed.
6. Claim 20 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: The present invention pertains to a part-holding fixture. It is the examiner's opinion that the part-holding fixture comprising: a fixture body having an axis of rotation; an aperture formed through the first and second end of the fixture body; a mounting land; a collar mounted on the fixture body surrounding the mounting land; and the mounting land being oriented in a plane whose normal is inclined to the rotational axis of the fixture body has neither been anticipated nor fairly suggested, in part or whole, by the prior art of record.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boutell, Johnson, Klingel et al., Kojo et al., Mandler, Mathews et al.,

Richardson, Takahashi et al., Tanaka et al., Turner et al., and Youden et al. each disclose a device related to grinding, work holding, or lens processing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (703) 308-4250. The examiner can normally be reached on 7-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David B Thomas can be reached on (703) 308-4250. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit 3723

  
dbt